



# California Regional Water Quality Control Board

## Los Angeles Region

Winston H. Hickox  
Secretary for  
Environmental  
Protection

Over 50 Years Serving Coastal Los Angeles and Ventura Counties  
Recipient of the 2001 *Environmental Leadership Award* from Keep California Beautiful



Gray Davis  
Governor

320 W. 4th Street, Suite 200, Los Angeles, California 90013  
Phone (213) 576-6600 FAX (213) 576-6640 - Internet Address: <http://www.swrcb.ca.gov/rwqcb4>

James A. Noyes  
Director of Public Works  
County of Los Angeles, Department of Public Works  
P.O. Box 1460  
Alhambra, CA 91802-1460

### CONDITIONAL CERTIFICATION FOR PROPOSED PROJECT 558, UNIT 1, LINE A PROJECT (CORPS' PROJECT NO. 2002-01202-JLB), PACIFIC OCEAN, CITY OF PALOS VERDES ESTATES, LOS ANGELES COUNTY (FILE NO. 02-099)

Dear Mr. Noyes:

Regional Board staff has reviewed your request on behalf of the County of Los Angeles, Department of Public Works (the Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on December 23, 2002.

I hereby certify that any discharge from Project 558, Unit 1, Line A Project, as proposed and described in Attachment A, if performed in accordance with all applicable water quality objectives, prohibitions, and policies set forth in the *Water Quality Control Plan, Los Angeles Region* (1994), and in accordance with the conditions specified in Attachment B, will comply with the applicable water quality standards and other appropriate requirements, including the provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act.

The Applicant shall be liable civilly for any violations of this certification in accordance with the California Water Code. This certification does not eliminate the Applicant's responsibility to comply with any other applicable laws, requirements and/or permits.

Should you have questions concerning this certification action, please contact Jason Lambert, Section 401 Program, at (213) 576-5733.

[Original Signed By:]

[January 6, 2003]

Dennis A. Dickerson  
Executive Officer

Date

### California Environmental Protection Agency

\*\*\*The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption\*\*\*

\*\*\*For a list of simple ways to reduce demand and cut your energy costs, see the tips at:  
<http://www.swrcb.ca.gov/news/echallenge.html>\*\*\*



Recycled Paper

Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.

## **DISTRIBUTION LIST**

Edward W. Lee  
LACDPW  
900 South Fremont Avenue  
Alhambra, CA 91803-1331

Oscar Balaguer  
State Water Resources Control Board  
Division of Water Quality  
P.O. Box 944213  
Sacramento, CA 94244-2130

Donna Cobb  
California Department of Fish and Game  
Streambed Alteration Team  
4949 View Ridge Avenue  
San Diego, CA 92123

Joshua Burnam  
U.S. Army Corps of Engineers  
Regulatory Branch, Los Angeles District  
P.O. Box 532711  
Los Angeles, CA 90053-2325

Steven John  
U.S. Environmental Protection Agency  
c/o U.S. Army Corps of Engineers  
Regulatory Branch, Los Angeles District  
P.O. Box 532711  
Los Angeles, CA 90053-2325

Alexis Strauss  
Director of Water Division (WTR-1)  
U.S. Environmental Protection Agency, Region 9  
75 Hawthorne Street  
San Francisco, CA 94105

Ken Berg  
U.S. Fish and Wildlife Service  
2730 Loker Avenue West  
Carlsbad, CA 92008

## ATTACHMENT A

### Project Information File No. 02-099

1. Applicant: Los Angeles County Department of Public Works  
900 South Fremont Avenue  
Alhambra, CA 91803-1331  
Phone: (626) 458-5100 Fax: (626) 458-3179
2. Applicant's Agent: Edward W. Lee  
Los Angeles County Department of Public Works  
900 South Fremont Avenue  
Alhambra, CA 91803-1331  
Phone: (626) 458-3915 Fax: (626) 458-3179
3. Project Name: Project 558, Unit 1, Line A Project
4. Project Location: City of Palos Verdes Estates, Los Angeles County  
Township: T5S; Range: R15W  
Longitude: 118° 24' 57"; Latitude: 33° 45' 32"
5. Type of Project: Outlet maintenance and drop structure construction
6. Project Description: *Purpose:* The purpose of the proposed project is to repair an existing grouted rock apron and to construct a new drop structure to prevent further erosion.  
  
*Description:* The new drop structure to be constructed will be 25 feet wide by 29 feet long, and 10 feet in height. An ornamental galvanized steel picket fence will also be constructed around the structure.
7. Federal Agency/Permit: U.S. Army Corps of Engineers  
NWP No. 43 (Permit No. 2002-01202-JLB)
8. Other Required Regulatory Approvals: California Department of Fish and Game  
Streambed Alteration Agreement (Notification No. 5-2002-0191)

## **ATTACHMENT A**

### **Project Information File No. 02-099**

- |  |  |
|--|--|
| 9. California Environmental Quality Act (CEQA) Compliance:           | The County of Los Angeles Department of Public Works approved the project's Negative Declaration on April 16, 2002.  |
| 10. Receiving Water:   | Unnamed tributary to the Pacific Ocean (Hydrologic Unit No. 405.11)  |
| 11. Designated Beneficial Uses:                                      | MUN, GWR, REC-1, REC-2, WARM, WILD, and RARE   |
| 12. Impacted Waters of the United States:                            | <p>Non-wetland waters (vegetated streambed): 0.01 permanent and 0.02 temporary acres</p> <p>Non-wetland waters (unvegetated streambed): 0.04 permanent and 0.05 temporary acres</p>  |
| 13. Dredge Volume:   | None   |
| 14. Related Projects Implemented/to be Implemented by the Applicant: | The Applicant has not identified any related projects carried out in the last 5 years or planned for implementation in the next 5 years.   |
| 15. Avoidance/ Minimization Activities:                              | <p>The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following:</p> <ul style="list-style-type: none"><li>• Use of cofferdam or sandbags to redirect flow if necessary;</li><li>• Any excess materials will be properly disposed by the contractor as required by project specifications, and</li><li>• No equipment will be stored in the riverbed.</li></ul> |

## ATTACHMENT A

### Project Information File No. 02-099

16. Proposed Compensatory Mitigation: The Applicant has not proposed any compensatory mitigation in order to offset the stated impacts.
17. Required Compensatory Mitigation: The Applicant shall provide no less than 0.22 acres of created jurisdictional habitat, a 3:1 and 1:1 ratio for permanent and temporary impacts respectively, in order to offset the permanent loss of 0.05 acres and 0.07 temporary acres of jurisdictional waters of the United States. If the Applicant chooses to provide mitigation by contracting through a third party organization, they shall provide no less than 0.39 acres of creation, restoration, or enhancement credit within jurisdictional waters of the United States
- See Attachment B Conditions of Certifications, Additional Conditions for modifications and additions to the above proposed compensatory mitigation.*

## ATTACHMENT B

### Conditions of Certification File No. 02-099

#### STANDARD CONDITIONS

Pursuant to §3860 of Title 23 of the California Code of Regulations (23 CCR), the following three standard conditions shall apply to this project:

1. This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to §13330 of the California Water Code and Article 6 (commencing with 23 CCR §3867).
2. This certification action is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to 23 CCR Subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. Certification is conditioned upon total payment of any fee required pursuant to 23 CCR Chapter 28 and owed by the Applicant.

#### ADDITIONAL CONDITIONS

Pursuant to 23 CCR §3859(a), the Applicant shall comply with the following additional conditions:

1. The Applicant shall submit to this Regional Board copies of any other final permits and agreements required for this project, including, but not limited to, the U.S. Army Corps of Engineers' Section 404 Permit and the California Department of Fish and Game's Streambed Alteration Agreement. **These documents shall be submitted prior to any discharge to waters of the state.**
2. Fueling, lubrication, maintenance, operation, and storage of vehicles and equipment shall not result in a discharge or a threatened discharge to waters of the state. At no time shall the Applicant use any vehicle or equipment which leaks any substance that may impact water quality. Staging and storage areas for vehicles and equipment shall be located outside of waters of the state.
3. No construction material, spoils, debris, or any other substances associated with this project that may adversely impact water quality standards, shall be located in a manner which may result in a discharge or a threatened discharge to waters of the state.
4. The Applicant shall not conduct any construction activities within waters of the state during a rainfall event. The Applicant shall maintain **a five-day (5-day) clear weather forecast** before conducting any operations within waters of the state.

## ATTACHMENT B

### Conditions of Certification

File No. 02-099

5. No activities shall involve wet excavations (i.e., no excavations shall occur below the seasonal high water table). A minimum **5-foot** buffer zone shall be maintained above the existing groundwater level. If construction or groundwater dewatering is proposed or anticipated, the Applicant shall file a **Report of Waste Discharge** to this Regional Board and obtain any necessary NPDES permits/Waste Discharge Requirements prior to discharging waste. Sufficient time should be allowed to obtain any such permits (generally 180 days). If groundwater is encountered without the benefit of appropriate permits, the Applicant shall cease all activities in the areas where groundwater is present, file a Report of Waste Discharge to this Regional Board, and obtain any necessary permits prior to discharging waste.
6. All surface waters, including ponded waters, shall be diverted away from areas undergoing grading, construction, excavation, vegetation removal, and/or any other activity which may result in a discharge to the receiving water. If surface water diversions are anticipated, the Applicant shall develop and submit a **Surface Water Diversion Plan** to this Regional Board. The plan shall include the proposed method and duration of diversion activities, erosion and sediment controls, and a map or drawing indicating the locations of diversion and discharge points. The plan shall be submitted prior to any surface water diversions. If surface flows are present, then upstream and downstream monitoring for pH, temperature, dissolved oxygen, turbidity, and total suspended solids shall be implemented. These constituents shall be monitored on a **daily** basis during the first week of diversion activities, and then on a **weekly** basis, thereafter, until the in-stream work is complete. Results of the analyses shall be submitted to this Regional Board by the **15th** day of each subsequent sampling month. A map or drawing indicating the locations of sampling points shall be included with each submittal. Diversion activities shall not result in the degradation of beneficial uses or exceedance of water quality objectives of the receiving waters. Any such violations may result in corrective and/or enforcement actions, including increased monitoring and sample collection.
7. The Applicant shall restore the proposed **0.07 acres** of TEMPORARY IMPACTS to waters of the United States and all other areas of temporary disturbance which could result in a discharge or a threatened discharge to waters of the state. Restoration shall include grading of disturbed areas to pre-project contours and revegetation with native species. The Applicant shall implement appropriate Best Management Practices to control erosion and runoff from areas associated with this project.
8. The Applicant shall provide COMPENSATORY MITIGATION to offset the proposed temporal loss of **0.07 acres** waters of the United States by creating or restoring jurisdictional habitat at a minimum 1:1 area replacement ratio (**0.07 acres**). The Applicant shall also provide compensatory mitigation for the proposed permanent impacts to **0.05 acres** of vegetation within jurisdictional waters by creating jurisdictional habitat at a minimum 3:1 area replacement ratio (**0.15 acres**). As

## ATTACHMENT B

### Conditions of Certification File No. 02-099

an alternative, the Applicant may provide adequate funding to a third party organization for the creation or restoration of a total of 0.39 acres of jurisdictional habitat. The location of the mitigation site shall be clearly identified on a map of suitable quality and shall be defined by latitude and longitude in decimal-degrees format. A **Final Mitigation Plan** shall be submitted to this Regional Board **prior to any disturbance within waters of the State** and shall include copies of any agreements made between the Applicant and a third party organization regarding compensatory mitigation efforts.

9. The Applicant shall submit to this Regional Board **Annual Monitoring Reports** documenting the success of all restoration and mitigation efforts, including, percent survival by plant species and percent cover. The reports shall include discussion of any monitoring activities and exotic plant control efforts. Representative photographs from designated stations shall be included in the reports. The reports shall be submitted by **January 1<sup>st</sup>** of each year for a period of **five (5) years** after planting.
10. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number **02-099**. Submittals shall be sent to the attention of the Nonpoint Source Unit.
11. Any modifications of the proposed project may require submittal of a new Clean Water Act Section 401 Water Quality Certification application and appropriate filing fee.
12. *Enforcement:*
  - (a) In the event of any violation or threatened violation of the conditions of this certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under state law. For purposes of section 401(d) of the Clean Water Act, the applicability of any state law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this certification.
  - (b) In response to a suspected violation of any condition of this certification, the State Water Resources Control Board (SWRCB) may require the holder of any permit or license subject to this certification to furnish, under penalty of perjury, any technical or monitoring reports the SWRCB deems appropriate, provided that the burden, including costs, of the reports shall



## ATTACHMENT B

### Conditions of Certification

File No. 02-099

be a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.

- (c) In response to any violation of the conditions of this certification, the SWRCB may add to or modify the conditions of this certification as appropriate to ensure compliance.
13. This certification shall expire **five (5) years** from the date of signature. The Applicant may request a renewal of this certification prior to its termination. Renewals may be granted in **five-year (5-year)** increments, may be subject to additional filing fees, and will require Regional Board approval. If the Applicant fails to request a renewal prior to the certification's expiration, then the Applicant shall submit a new application and appropriate filing fees.